UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1993/NGO/8
29 January 1993

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Forty-ninth session
Item 12 of the provisional agenda

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Written statement submitted by Amnesty International, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following written statement, which is distributed in accordance with Economic and Social Council resolution 1296 (XLIV).

[15 January 1993]

Human rights violations in Iraq

1. Iraqi government forces perpetrated serious and widespread human rights violations throughout 1992, and these have continued into 1993: they include widespread arbitrary arrests, torture, "disappearances" and extrajudicial executions. The fate of victims of human rights violations which occurred in the late 1980s and, in particular, after the uprising in March 1991 remains unknown. However, additional information has come to light regarding the nature and scale of these atrocities.

2. The human rights situation in southern Iraq remained particularly serious for most of 1992, including after the imposition of an air-exclusion zone by United States, United Kingdom and French forces on 27 August. According to information received by Amnesty International, the Iraqi Government has

stepped up its efforts to terrorize the Arab Shi'a Muslim population of Iraq's major southern cities and towns and the local population of the southern marshes (al-ahwar). The organization believes that the Government has not only taken punitive measures against those suspected of having participated in the March 1991 uprising, but also against large sectors of the Shi'a Muslim population of the south for their imputed political sympathies.

3. Since April 1992, when the Iraqi military authorities issued orders to the local population of the marshes to evacuate their homes, military attacks on the area intensified, particularly in July and August. Using heavy artillery and helicopter gunships, some of these attacks were made on what were clearly civilian targets. Amnesty International detailed a number of attacks on towns and villages in the al-'Amara marshes which took place between 7 July and 2 August. The extent and persistence of the bombardment of civilian targets and the lack of any attempt by the Government to detain rather than kill alleged suspects, led Amnesty International to believe that the Government was not only failing to discriminate between unarmed civilians and combatants, but that it had apparently adopted a policy of deliberately targeting non-combatant civilians.

4. Although the air-exclusion zone put an end to aerial attacks on the area after 27 August, Iraqi government forces stepped up their ground attacks on the marshes, and these were accompanied by widespread arbitrary arrests and the torture or execution of detainees. Amnesty International received details of repeated artillery and mortar attacks on scores of villages and towns in the vicinity of al-'Amara, al-Nasiriyya and Basra between 28 August and 4 October. Eye-witnesses spoke of a consistent pattern of tank and artillery shelling of towns and villages followed by random arbitrary arrests by infantry brigades in areas penetrable on foot. Such attacks continued in January this year.

5. Several thousand Arab Shi'a Muslims were also reported to have been arrested during 1992 in southern Iraq's major cities, including al-Hilla, al-Najaf, Karbala', al-Diwaniyya, Basra, al-Nasiriyya and al'Amara. Most arrests were said to have occurred after 27 August and to have continued into December. Those detained were largely non-combatant civilians, including whole families, who were taken from their homes and public places and transferred to unknown destinations. In the second week of October, widespread arrests were reported in the context of the officially named "punitive campaign", al-Hamla al-Ta'dibiyya. Most of the arrests took place in al-'Amara province, where many of the detainees were reportedly unarmed civilians arrested at random by the army and security forces. Most were held at the 4th Army Corps' headquarters in the city of al-'Amara. According to reports received, many of the detainees were held for short periods of up to 20 days and allegedly tortured, and in some cases released only after making cash payments.

6. The fate and whereabouts of many of these detainees remain unknown, and there are growing fears that many may have been extrajudicially executed while in custody or may have died under torture. Among the torture testimonies received by Amnesty International during 1992 were those of two former detainees released in June after being held for four months at al-Radwaniyya garrison south-west of Baghdad. Both men testified in November that they had

been held in one of six makeshift cells in the yard of the garrison, each of which held about 300 detainees. They stated that they had been tortured while in custody, including being subjected to repeated beatings and electric shocks, and that several other detainees had died under torture. One of them apparently died from severe burns after being tied to a skewer and "roasted" over a flame. According to their testimonies, hundreds of detainees were executed during the four months they spent at the garrison. The victims, many of whom were arrested after the March 1991 uprising, were said to have been lined up against palm trees, blindfolded and executed by firing squad; their bodies were then buried in one of several mass graves in the garrison. Details also continued to be received of the torture and ill-treatment of other detainees, including foreign nationals accused of ordinary criminal offences.

7. Scores of executions were reported during 1992. Among the victims were at least 42 merchants, traders and businessmen executed in Baghdad on 26 July after being accused of profiteering. They were among several hundred members of prominent Sunni and Shi'a families detained that month in a wave of arrests. The Iraqi Government stated that the 42 men had been tried and convicted, but reports received by Amnesty International indicate that several were simply shot dead upon being apprehended. Earlier, at least 47 military personnel engaged in military operations in southern Iraq were arrested between May and July, reportedly after failing to comply with military orders. Their fate and whereabouts remain unknown, and there are fears that they may have been executed.

8. Amnesty International remains gravely concerned about the continued imposition of the death penalty for ordinary criminal offences, including premeditated murder, theft and rape. The organization also strongly condemns and calls for the immediate repeal of a decree issued by Iraq's Revolutionary Command Council on 21 December 1992, which forbids the arrest, interrogation and bringing to justice of law enforcement officials who injure or kill criminal suspects, security offenders or army deserters in the course of their duty. There are grave fears that the law will give security and police officials a free hand to adopt a "shoot to kill" policy both towards criminal suspects and political opponents who may include individuals not involved in any violent activity.

9. Thousands of suspected government opponents and their families arrested in previous years remain in detention, many of them prisoners of conscience. At least 200,000 others who have "disappeared" in recent years are still unaccounted for, and it is feared that many of them have been executed. New information was received by Amnesty International during 1992 about such victims, including at least 76 Kurds arrested in the Arbil region in the aftermath of the March 1991 uprising and over 5,000 Kurds from Kalar in Sulaimaniya province who "disappeared" in 1988 during the "Anfal Operations". In early 1992 several mass graves were uncovered near Arbil, Sulaimaniya and other regions, each containing the remains of scores of Kurdish civilians and combatants who had "disappeared" in custody. Other detainees who remain unaccounted for are Kuwaiti nationals taken prisoner after Iraq's invasion of Kuwait in September 1990, and whose number as estimated by the Kuwaiti Government at the end of 1992 stands at 870. The Iraqi Government continues to deny holding any such prisoners.

10. Human rights abuses were also committed during 1992 by opponents of the Iraqi Government, notably in northern Iraq in areas under the control of the Iraqi Kurdistan Front and, since July, the Council of Ministers for the Kurdistan Region. According to Amnesty International's information, these abuses include the torture or ill-treatment of detainees, the conviction of defendants following unfair trials, the imposition of the death penalty and extrajudicial killings. Amnesty International has expressed its concern to the Kurdish authorities about such abuses.

11. On 30 November, Amnesty International again drew attention to Iraq's appalling human rights record, and reiterated its call for United Nations action, including that a special United Nations team be sent to Iraq, with powers to investigate alleged abuses, ensure protection for victims and work with the Government to help enforce human rights standards.
Amnesty International supports the proposal for on-site monitors in the country made by the United Nations Special Rapporteur on Iraq in his first report to the Commission on Human Rights in February 1992, and regrets that it has not been acted on to date as it could have saved countless lives. In its statement, Amnesty International urged the General Assembly to "endorse on-site monitoring as a matter of urgency", and subsequently welcomed the resolution on the human rights situation in Iraq passed on 18 December, in which the General Assembly expressed its support for the Special Rapporteur's proposal and invited the Commission on Human Rights to follow it up at its forty-ninth session. Amnesty International calls upon the Commission to take up this invitation at its present session and to respond to this clear message of support from the General Assembly. Inasmuch as the Iraqi Government continues to sanction atrocities as a matter of policy, the Commission should take immediate and concrete steps to establish a human rights monitoring presence in the region without further delay.